

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LIBERTY MUTUAL FIRE INSURANCE)
COMPANY,)

Plaintiff,)

v.)

No. 4:15-cv-00471-AGF

WESTERN STATES FIRE)
PROTECTION COMPANY, et al.,)

Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the motion (Doc. No. 10) of Defendant Western States Fire Protection Company d/b/a/ National Fire Suppression (“NFS”) for leave to file a crossclaim against Defendant JSC, Inc. d/b/a/ ServPro of West Kirkwood/Sunset Hills.

As an initial matter, the Court notes that a crossclaim must be stated in a pleading, generally the answer to the complaint, and that a standalone crossclaim is not a permissible pleading. *See Bowen Eng’g Corp. v. Pac. Indem. Co.*, No. 14–cv–1224–JTM–TJJ, 2014 WL 6908747, at *1 (D. Kan. Dec. 8, 2014); *State Farm Mut. Auto. Ins. Co. v. Mathis*, No. 09–CV–0308–CV3–TLW, 2009 WL 5065685, at *1 (N.D. Okla. Dec. 16, 2009); *see also* Fed. R. Civ. P. 7(a) (listing the pleadings allowed in federal court).


The proper procedure is for NFS to amend its answer to include the proposed crossclaim. Because NFS filed its answer (Doc. No. 9) on May 27, 2015, Federal Rule of Civil Procedure 15(a) allows NFS to amend its answer as a matter of right. Fed. R. Civ.

P. 15(a)(1) (“A party may amend its pleadings once as a matter of course within . . . 21 days after serving it.”). Though the time to file an amended answer allowed by Rule 15(a)(1)(A) has now passed, because NFS filed the present motion within this time period, the Court will grant NFS leave to file its crossclaim, and direct it to do so in an amended answer.

Accordingly,

IT IS HEREBY ORDERED that the motion of Defendant Western States Fire Protection Company to file a crossclaim is **GRANTED**. (Doc. No. 10.)

IT IS FURTHER ORDERED that Defendant Western States Fire Protection Company shall file an amended answer, including its proposed crossclaim, within **seven (7) days** from the date of this Order.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 19th day of June, 2015.